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REMARKS

As a matter of review, the instant application relates *inter alia* to a method for delivering materials and compositions such as volatile materials including perfumes to a clothing dryer. One of the difficulties traditionally associated with delivering volatile materials such as perfumes to clothing dryers is the tendency for these materials to be volatilized and expelled from the dryer before the end of the drying cycle. The present invention provides a more effective method for delivering these materials. Please cancel Claims 13 and 16 without prejudice. Claims 38 and 39 have been amended to more particularly define these claims. Support for the amendment to Claims 38 and 39 are found on page 7, lines 11 – 15.

Rejections Under 35 U.S.C. §102

Claims 13, 38, and 39 are rejected under 35 U.S.C. §102(b) over U.S. 6,190,420 issued to Reynolds (hereinafter "Reynolds") for the reasons of record stated on page 2 of the Office Action. Applicants respectfully traverse this rejection. Applicants respectfully submit that this rejection is moot as far as it applies to Claim 13 as this claim stands cancelled hereunder without prejudice.

Reynolds purports to relate to a dry cleaning sheet which is permeated with a composition which can be used in a dryer. Reynolds discloses adding a dry cleaning sheet to the dryer and allowing it to tumble with clothing at a temperature of "*40°C – 90°C for five to forty-five minutes*". [See Reynolds column 2, lines 19 – 23 and column 4, lines 33 - 37].

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants have amended Claims 38 and 39 to specify *inter alia* that a fabric treatment composition is sprayed onto the fabric. Reynolds does not teach *inter alia* monitoring an operating temperature of a drying apparatus during a drying cycle of the drying apparatus whereby a fabric treatment composition is sprayed onto a fabric article during a drying cycle wherein the fabric treatment composition is **sprayed onto the fabric article** **after** the drying apparatus has reached a first control operating temperature equal to or higher than about 60°C and after the drying apparatus has reached a second operating temperature of less than about 60°C but before the drying apparatus has reached a third operating temperature of about 25°C. Nor does Reynolds teach *inter alia* spraying a fabric treatment composition wherein the **application of the spray occurs** **after** the drying apparatus has reached a first control operating temperature of about 70°C or higher and then has returned to a second operating temperature of less than about 70°C but before a third operating temperature of about 20°C is reached.

Applicants' claimed invention provides for the controlled delivery of a fabric treatment

composition to a fabric. Because the fabric treatment composition is in the form of a spray which can be selectively applied to the fabric after a given event(s) occurs, Applicants' invention allows for enhanced delivery of the fabric treatment composition. For instance, in one non-limiting example, the delivery of a perfume to a fabric can be enhanced by spraying the perfume during a portion of the drying cycle which maximizes retention on the fabric while mimimizing volatilization of the perfume.

In contrast, Reynolds teaches adding a treated dryer sheet (treated with a composition) to the dryer at the same time that the clothing is added (i.e.; prior to the start of the dryer cycle). Release of composition from the Reynolds dryer sheet would continue throughout the dryer cycle until the sheet is depleted or the sheet is removed from the dryer. Hence, as the dryer sheet of Reynolds would not accomplish selective application of a composition to clothing, Reynolds does not anticipate Claims 38 or 39 of the instant application. Applicants respectfully request reconsideration and allowance of these claims.

Rejections Under 35 U.S.C. §103

Claims 12, 14 - 18, and 32 are rejected under 35 U.S.C. §103(a) over Reynolds for the reasons of record stated on page 3 of the Office Action. Applicants respectfully submit that this rejection is moot as far as it applies to Claim 16 as this claim stands cancelled hereunder without prejudice.

In order to sustain an obviousness rejection, the prior art reference must suggest all the limitations of the claimed invention. [See MPEP 2143]. As indicated above, Reynolds does not teach or suggest a method of applying a fabric treatment composition to a fabric article during a drying cycle wherein the treatment composition is sprayed onto the fabric article after the drying apparatus has reached a first control operating temperature equal to or higher than about 60°C and after the drying apparatus has reached a second operating temperature of less than about 60°C but before the drying apparatus has reached a third operating temperature of about 25°C. Nor does Reynolds teach or suggest applying a fabric treatment composition wherein the spraying application occurs after the drying apparatus has reached a first control operating temperature of about 70°C or higher and then has returned to a second operating temperature of less than about 70°C but before a third operating temperature of about 20°C is reached.

Hence, for the reasons discussed above, Claims 12, 14 – 15, 17 - 18 and 32 of the instant application are not obvious over Reynolds, Applicants respectfully request the Examiner to reconsider and withdraw this rejection and allow these claims.

Double Patenting Rejection

Page 3 of the Office Action indicates that Claims 12 - 18, 32, 38, and 39 are provisionally rejected on the basis of non-statutory obviousness-type double patenting as being unpatentable over Claims 10 - 19 of copending U.S. Patent Application No. 10/839,549. Applicants respectfully submit that this rejection is moot as far as it applies to Claims 13 and 16 as these claims stand cancelled hereunder without prejudice.

The submission of a Terminal Disclaimer would appear to be premature at this stage of prosecution. However, once patentable claims are agreed to, an appropriate Terminal Disclaimer can be provided, if still deemed necessary.

SUMMARY

This is responsive to the final Office Action dated April 16, 2007. Applicants hereby petition for a one-month extension of time to respond to this Action. Please charge any fees associated with this response to Deposit Account No. 16-2480. As the rejection of Claims 38 and 39 under 35 U.S.C. §102 and the rejection of Claims 12, 14 – 15, 17 - 18, and 32, under 35 U.S.C. §103, and the double patenting rejection of Claims 12, 14 – 15, 17 - 18, 32, and 38 - 39 have been overcome, Applicants respectfully request reconsideration and withdrawal of these rejections and allowance of these claims.

Respectfully submitted,
FOR: DUVAL ET AL.;

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